

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/3/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VALLAIR SOLUTIONS SARL

:
Plaintiff,

:
- against -

321 PRECISION CONVERSIONS LLC

:
Defendant.

-----X
21-CV-7507 (CM) (RWL)

:
ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves certain discovery disputes raised by the parties:

1. 2021 Settlement Agreement Between Vallair and EFW (Dkt. 165): Granted

in Part; Denied in Part. In light of all the EFW-Vallair documents already produced by Vallair about their relationship and termination of that relationship, the Court fails to see any relevance the agreement may have except that the agreement theoretically could be relevant if (i) it addresses resources to be devoted by Vallair to EFW going forward (which seems highly unlikely given termination), (ii) if it contains an admission by Vallair, or a narrative description regarding Vallair's ability or inability to complete conversions (which also seems highly unlikely); or (iii) contains pricing information not already produced (which Vallair has represented it does not). To the extent the settlement agreement does contain such information, then Vallair must produce the agreement in redacted form with those portions not redacted. Otherwise, the request to compel is denied.

2. Precision's Answers to Vallair's Third Set of Interrogatories (Dkt. 167):

Granted in Part; Denied in Part. In light of Precision's representation that it will provide the information requested by Nos. 3, 4, and 5 (Dkt. 172), Vallair's request to compel with respect to those interrogatories is denied as moot without prejudice. Vallair's request to

compel concerning Nos. 6, 7, and 8 is denied for substantially the reasons set forth by Precision at Dkt. 172.

3. Vallair's Letter Motion to Compel Production of Certain Documents from Precision (Dkt. 169): Granted in Part; Denied in Part.

- a. **Schedule A:** Precision shall produce the Schedule A.
- b. **Business projections:** Based on Precision's representation that it will produce these documents (Dkt. 173 at 2), the request is denied as moot without prejudice.
- c. **Proposals sent to Precision's customers:** Precision shall produce term sheets to which the parties (Precision and its customer) agreed in principle. Proposals to which there was no agreement in principle need not be produced.
- d. **Documents between the Joint Venture partners:** Precision shall produce the documents requested.

4. Deposition of C. Joseph Hete (Dkt. 166 (Vallair motion to compel); Dkt. 168 (ATSG/CAM motion to quash)): 166 is Granted; 168 is Denied. Having already deposed other individuals, Vallair has adequately demonstrated need for Mr. Hete's deposition and his being a unique source of knowledge. ATSM/CAM, which are not typical third parties in the context of this dispute, shall produce Mr. Hete for deposition.

The Clerk of Court is respectfully requested to terminate the letter motions at Dkts. 165, 166, 167, 168, and 169.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 3, 2023
New York, New York

Copies transmitted this date to all counsel of record.